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04-03-06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Kemmerer, Elizabeth
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Avi ASHKENAZI, et al.) Art Unit: 1646
)
Application Serial No. 09/941,992) Confirmation No. 8312
)
Filed: August 28, 2001) Attorney's Docket No. 39780-2730 P1C1
)
For: **SECRETED AND**) **Customer No. 35489**
 TRANSMEMBRANE)
 POLYPEPTIDES AND NUCLEIC)
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EXPRESS MAIL LABEL NO. EL 976 551 970 US
DATE MAILED: MARCH 30, 2006

SUPPLEMENTAL RESPONSE

MAIL STOP- AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On September 16, 2004, the Examiner made a final rejection to pending Claims 124-126 and 129-131. A Notice of Appeal was filed on January 12, 2005, and an Applicants' Appeal Brief was filed on July 26, 2005. An Examiner's Answer was mailed on October 12, 2005. In response, a Reply Brief and a Petition for Designation as New Grounds of Rejection Under 37 C.F.R. §1.181 was filed on December 12, 2005. A Decision on the Petition was mailed on January 30, 2006 granted Applicants' request to designate the rejections in the Examiner's Answer as new grounds of rejection. The Decision also granted Applicants' request to have the finality of the application withdrawn, and prosecution reopened, and stated that Applicants' Reply Brief would be treated as a response to a non-Final Office Action. Applicants were granted two months from the mailing date of the Decision on Petition to submit additional exhibits or affidavits necessary in order to rebut the new grounds of rejection presented in the Examiner's Answer.

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Accordingly, Applicants submit herewith is a Supplemental Response to Non-Final Office Action, which is timely filed within the two-month period for response set by the Decision on Petition. This response is concurrently filed with the submission of a new Declaration by Dr. Paul Polakis with Exhibits A and B, and an IDS citing references. Consideration of this response and the attached documents is respectfully requested.